

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JAMES E. DAVIS

PLAINTIFF

v.

CIVIL ACTION NO. 3:11-cv-093-MPM-SAA

**ACA FINANCIAL GURANTY CORPORATION,
and JOHN DOES One through Ten**

DEFENDANTS

SECOND MOTION TO AMEND COMPLAINT

COMES NOW, Plaintiff James E. Davis (“Davis”), and submits this Second Motion for Leave of Court to Amend the Complaint. In support of this Motion, Davis states the following:

1. Plaintiff desires to file a Second Amended Complaint to add another Plaintiff to the already-existing lawsuit, pursuant to this Court’s June 20, 2013 Case Management Order requiring all amended pleadings to be filed by August 15, 2013. The proposed additional Plaintiff’s claims against Defendant are the same, if not substantially similar to, those brought by Davis. If permitted to do so, Plaintiff intends to file an amended complaint identical, or substantially similar, to the proposed Second Amended Complaint attached as Exhibit “A.”

2. The proposed amendment will not delay the proceedings and will not prejudice the parties.

3. For the foregoing reasons, and pursuant to the deadlines established in the Case Management Order, as well as Rule 15 of the Federal Rules of Civil Procedure, Plaintiff respectfully requests that his Motion to Amend be granted and that he be allowed to file the proposed Second Amended Complaint.

Respectfully submitted, this the 15th day of 2013.

By: /s/ Jesse Mitchell, III
Jesse Mitchell, III

Counsel for Plaintiff

OF COUNSEL:

Jesse Mitchell, III (MSB# 103020)
Barry C. Campbell (MSB#99535)

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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

This the 15th day of August, 2013.

/s/ Jesse Mitchell, III

Jesse Mitchell, III